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Federal Communications Commission
Office of the SecretaryBefore the
Federal Communications Commission
Washington, DC 20554

Ref.: GN Docket Nos. 09-47, 09-51, and 09-137

To: Chief, Wireless Telecommunications Bureau

From: Xavier NIEL, Iliad's Deputy Chairman of the Board of Directors & Chief Strategy Officer

Comments of ILIAD on NBP Public Notice #6

Iliad hereby submits its comments in response to the NBP Public Notice #6 issued by the Federal Communications Commission.

Albeit not directly concerned with the FCC's Public Notice and although not having any commercial activities in the United States of America, Iliad shares the view that **the exponential growth in data traffic on mobile broadband networks makes it imperative regulators free additional spectrum for mobile broadband**. As such Iliad welcomes the opportunity to put into perspective the current Public Notice with the European situation.

We humbly ask the Federal Communications Commission to take this fact into consideration and hope the Commission will take the appropriate measures to guarantee the 3.4-3.6 GHz frequency band becomes, at least in part, a band dedicated to Broadband Wireless Access (BWA) for:

- **it will ease roaming between the U.S. and Europe** in mobile broadband services;
- spectrum harmonization between the U.S. and Europe can only **be beneficial to the wireless broadband industry and in the end to the consumers**.

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Free, the internet access provider operated by Iliad, is the second internet access provider in France, was the first operator to introduce dual-play, then triple-play offers on the French market, well ahead of France Telecom/Orange. By putting a strong focus on R&D, Iliad has been able to drive the DSL broadband market in France and keep a valuable technological advance on the market. Among others, the efforts we have made in developing our own IAD¹ and our own DSLAM (called « Freebox » system) allowed us to leverage in the most efficient way the potential of OFDM² modulation techniques to unleash the potential of «always on», always faster internet connectivity.

With a solid customer base and a proven track record as an innovative company, Iliad ambitions to address the French mobile market by offering consumers state of the art mobile broadband connectivity, a broad range of services and a disruptive pricing model.

The French mobile market continues to be characterized by its lack of competition, one the lowest penetration rate in Europe and tariffs amongst the least attractive for mobile users. Iliad makes no secret of its intention to challenge the incumbent players on the mobile broadband market, by leveraging its customer base, its brand, its technical know-how and its ability to innovate on services, prices and technology.

¹ Internet Access Device² Orthogonal Frequency Division MultiplexingNo. of Copies rec'd 1
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Iliad, who owns a national wireless broadband license in the 3.5 GHz band, strongly believes it already has valuable assets to provide 4G services. Iliad is also in the process of bidding for the 4th 3G license in France. If we were to acquire the 3G license, we would have the following spectrum:

- 10 MHz in the 0.9 GHz band;
- 10 MHz in the 2.1 GHz band; and
- 30 MHz in the 3.5 GHz band.

The lower frequencies are well suited for indoor penetration and coverage, whereas higher frequencies are well adapted for mobile broadband services in dense areas.

Iliad values the European Commission's decision³ to harmonize the 3400-3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community. **This means the 3.4-3.8 GHz band already is a BWA band throughout the European Union**, therefore the first consumer market in the world has spectrum dedicated to wireless broadband as of today. Even though this might not be sufficient in the long run, we still think believe this is a great opportunity for mobile operators in Europe to meet the needs of its market in the short term. **Allocating frequencies in the 3.4-3.6 GHz band in the U.S. would benefit the industry and both American and European consumers.**

We strongly believe we are going to observe the same trends in data consumption patterns in mobile telecommunications as the ones we have faced in fixed telecommunications when the industry switched from dial-up to broadband. However, there are two differences between fixed broadband and mobile broadband in our view:

- **broadband was new to everyone on the fixed market:** consumers, operators and service providers. What is called « Web 2.0 » applications such as YouTube or Facebook did not exist when we launched triple play in 2002 for instance, whereas as of today, millions of consumers already watch YouTube or share photos through Facebook on their smartphones on a daily basis;
- **the available bandwidth on a copper cable, not to mention an optic fiber, is far superior to the currently available telecom spectrum reserves throughout the world.**

We therefore share CTIA's view⁴ that, should no action be taken by regulators throughout the world, we operators can only brace ourselves, waiting for the «perfect storm» to hit us. Spectrum is a strategic issue. **Considering the already existing demand and the trends we observe, the 3.4-3.6 GHz frequency bands must be leveraged to address the mobile broadband market needs.**

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:144:0077:0081:EN:PDF>

⁴ CTIA Jun. 8, 2009 Comments, GN Docket No. 09-51, at 24-26 (CTIA Comments); T-Mobile Jun. 8, 2009 Comments, GN Docket No. 09-51, at 14 (T-Mobile Comments)